

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:)		
)	Case No.	309-05808
5K UTILITY & CONSTRUCTION, INC.)	Chapter	11
)	Judge	Lundin
Debtor.)		

CRF PROPERTIES' OBJECTION TO CONFIRMATION OF
DEBTOR'S PROPOSED PLAN

Comes now CRF Properties, a creditor, by and through undersigned counsel, submits this objection to Debtor's proposed Chapter 11 plan of reorganization ("the plan") because the plan does not appear to be proposed in good faith pursuant to 11 USC § 1325 (a)(3) and fails to provide adequate protection to CRF Properties for the value of its administrative claim. As grounds for its objections, CRF Properties would state as follows:

1. CRF Properties has an Administrative Claim in the amount of \$90,456.88 arising from Debtor's post-petition breach of an assumed contract, the lease agreement, evidenced by the Agreed Order entered in this cause on July 2, 2009.

2. The lease agreement specified payments of \$5,000.00 per month through the end of February, 2011. Debtor made the monthly payments for July and August, but is currently in default on this assumed Lease by reason of non-payment and owes the amount of \$90,456.88.

3. The Debtor claims in the schedule of payments attached to Debtor's Proposed Plan that Debtor had paid the September and October 2009 monthly lease payments of \$5,000.00 each.

4. These payments were not made to CRF Properties as claimed, nor does Debtor account for these retained funds in the Proposed Plan.

5. Further, CRF Properties objects to the amounts of compensation paid to Debtor's owner and family members. It appears these payments are excessive, and the hours and job duties are not verifiable.

WHEREFORE, premises considered, CRF Properties asks this Court to deny confirmation of the Proposed Plan and/or modify the Plan, and for such further and general relief as Creditor may be entitled.

Respectfully Submitted,

/s/Gary N. Patton
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CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2009, a true and correct copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served via regular US Mail. Parties may access this filing through the Court's electronic filing system.

/s/Gary N. Patton